

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TONYA MICHELLE MAHONE, as
Personal Representative of the Estate of
GERARD WATSON, Deceased,

Plaintiff,

v.

Case No. 1:15-CV-01009 MV/KBM

GARY EDEN, JACQUELINE R. FLETCHER,
CRST EXPEDITED, INC. and XYZ CORP.,

Defendants.

PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT

Pursuant to Rule 59(e), the plaintiff hereby moves for an order altering or amending the judgment filed in this case by entry of three separate judgments in this matter: a judgment with respect to defendant CRST Expedited, Inc., a separate judgment with respect to defendant Gary Eden, and a separate judgment with respect to defendant Jacqueline R. Fletcher. Plaintiff also asks the court to determine that there is no just reason for delay and that each separate judgment should be a final judgment.

As grounds for this motion, plaintiff states that judgment as to plaintiff and all defendants was entered by this court on July 15, 2019 (Doc. 210). The judgment with respect to defendant CRST was determined by the court on summary judgment (see Doc. 123). The decision of the judgment with respect to Gary Eden and Jacqueline R. Fletcher was determined by the jury in its special verdict (Doc. 206).

The collectability of each of the judgments varies widely due to circumstances related to insurance coverage and contract disputes among the defendants and insurers providing mandatory liability coverage. Defendant Eden was denied coverage and was represented

throughout the litigation by appointed counsel. This week Defendant Fletcher's insurer has declined to pay the judgment.

Plaintiff is in the process of attempting to negotiate with respect to post judgment issues with those defendants, each of whom has wildly conflicting interests. There is a reasonable possibility that one or more of those defendants could file an action for protection under the bankruptcy laws of the United States or be forced into bankruptcy.

By making the judgments separate, no parties' rights will be adversely affected by the actions of other parties and enforcement efforts will not become complicated by the actions of any one party. Accordingly, plaintiff asks that separate judgments be entered into with respect to claims against the plaintiff and CRST, the plaintiff and Gary Eden, and the Plaintiff and Jacqueline R. Fletcher. There appears to be no just reason for delay and the rights of each party will be adequately protected.

Plaintiff has sought concurrence from opposing counsel. As of the time of filing, plaintiff has received no response to the request.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the above pleading was served electronically to all counsel of record this 12th day of August, 2019 via electronic mail, as follows.

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